

### REMARKS

Claims 15-39 were pending at the time of the outstanding Office Action. Applicant hereby cancels claims 15-39 without prejudice and submits new claims 40 and 41. These are the only claims now pending in the application.

Claims 15-39 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. patent no. 5,987,210 or U.S. patent no. 5,999,688 in view of one or more additional prior art references. Applicant states that the '210 patent, the '688 patent and the subject application are all commonly owned. If the new claims now pending in the application are found to be subject to rejection under the doctrine of obviousness-type double patenting, Applicant will submit an appropriate terminal disclaimer to obviate such rejection.

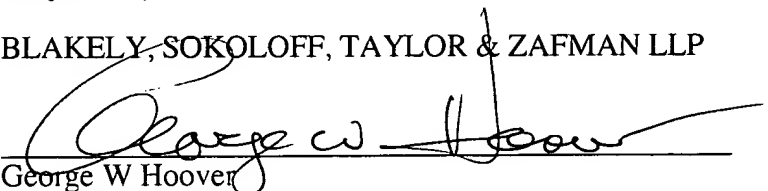
New claims 40 and 41 have been carefully drafted to more clearly define the claimed invention over the prior art references cited by the Examiner in rejecting claims 15-39 under 35 U.S.C. § 103(a). Specifically, none of the cited prior art references teach or suggest detecting events that consist of flat frames, silent frames and cuts and then analyzing the temporal spacing of such events to classify segments of a video program between the events as belonging to one of a first and second category. Moreover, the cited prior art references do not teach or suggest cueing a recorded video program to an event located at a beginning of a next segment that has been classified, based on such analysis of the temporal spacing of events, as belonging to the second category.

Applicant submits that new claims 40 and 41 patentably distinguish over the cited prior art and respectfully requests that a Notice of Allowance be issued at the earliest possible date.

Respectfully submitted,

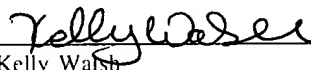
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: October 9, 2003

  
George W Hoover  
Reg. No. 32,992

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(310) 207-3800

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to : Commissioner for Patents, P.O., Box 1450, Alexandria, VA 22313-1450 on: October 9, 2003

 October 9, 2003  
Kelly Walsh Date